

12 Dec 71

CA GV dormant ; Boston

50-50 whether new indictments come down in Boston,
in Jan: NS, SS. Spencer prob. will be released.
Nisson likes big cases: many counts + defendants...

Chayes: several times called to rule on leaks: always
judged that Espionage Act did not apply,
unless intent to harm...

Schlesky: not, or marginally related to national defense.
useful to historians...

Smith: leak system; use of memoir material...
relation to White Paper on China (800 pp. of docs,
some nearly current: cable...)

Jed Sorensen: extent of leaks; use in book.

Abel: leaks & press, syndicates; backgrounds.
Leaks from military.

Florence:

(Schlesinger, ^{Smith} Wilson, Sorensen: Valpin says they took papers
and worked on them in this study. Will they say this?
Wise?)

~~Heinz~~

MHH: Suspects: they have decided not to name one NS:
(I'm going to throw the whole thing onto
SS & Louis Marx, Jr.)
about a month ago.

Big question is whether to investigate two other
conspiracies:

- (a) Left conspiracy to induce OE to release docs.
- (b) Earlier conspiracy to put docs in RAND
where they could be copied.

trial date?

Motions to dismiss 641

Drum

On 793: (2) Defect in institution of indictment;
frequent leaks, none prosecuted: that you
cannot choose to prosecute only when info is
embarrassing — suppress dissent.

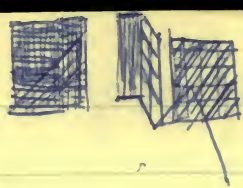
(b) No offense stated under the statute
What is a doc "relating to national defense"?
~~Statute says nothing about retaining, etc.~~
Does this section of statute lack requirement
of a criminal intent? What is it — we
L

Halperin: Since I was authorized to possess (the
info in) the "original", I was authorized
to possess copies. [Ignore how copies were
made, or which is ^{universal} normal, arguing, whatever the
regs say I [+ by custom copied] ; thus, I
was authorized to retain, at the time charged
in indictment.

Bandi: How fast can we get ^{you} affirmed as a
lawyer?

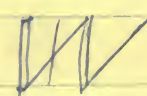
[J] can now claim

Opening statement motion?

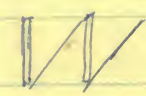


Most: Everyone knows class. ngs are never followed:

(3)



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Research?

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